

1 **ATHLETIC TRAINER LICENSING ACT**

2 2006 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Paul Ray**

5 Senate Sponsor: Michael G. Waddoups

7 **LONG TITLE**

8 **General Description:**

9 This bill enacts the Athletic Trainer Licensing Act.

10 **Highlighted Provisions:**

11 This bill:

- 12 ▶ enacts the Athletic Trainer Licensing Act;
- 13 ▶ establishes the Athletic Trainers Licensing Board and its duties and responsibilities;
- 14 ▶ provides for the licensing of athletic trainers;
- 15 ▶ establishes qualifications for an athletic trainer license;
- 16 ▶ establishes the scope of practice of an athletic trainer;
- 17 ▶ provides exemptions from licensure; and
- 18 ▶ defines unprofessional conduct.

19 **Monies Appropriated in this Bill:**

20 None

21 **Other Special Clauses:**

22 None

23 **Utah Code Sections Affected:**

24 AMENDS:

25 **58-1-307**, as last amended by Chapters 71 and 153, Laws of Utah 2005

26 ENACTS:

27 **58-40a-101**, Utah Code Annotated 1953



- 28 **58-40a-102**, Utah Code Annotated 1953
- 29 **58-40a-103**, Utah Code Annotated 1953
- 30 **58-40a-201**, Utah Code Annotated 1953
- 31 **58-40a-301**, Utah Code Annotated 1953
- 32 **58-40a-302**, Utah Code Annotated 1953
- 33 **58-40a-303**, Utah Code Annotated 1953
- 34 **58-40a-304**, Utah Code Annotated 1953
- 35 **58-40a-305**, Utah Code Annotated 1953
- 36 **58-40a-401**, Utah Code Annotated 1953
- 37 **58-40a-501**, Utah Code Annotated 1953



39 *Be it enacted by the Legislature of the state of Utah:*

40 Section 1. Section **58-1-307** is amended to read:

41 **58-1-307. Exemptions from licensure.**

42 (1) Except as otherwise provided by statute or rule, the following [~~persons~~] individuals
43 may engage in the practice of their occupation or profession, subject to the stated
44 circumstances and limitations, without being licensed under this title:

45 (a) [~~a person~~] an individual serving in the armed forces of the United States, the United
46 States Public Health Service, the United States Department of Veterans Affairs, or other federal
47 agencies while engaged in activities regulated under this chapter as a part of employment with
48 that federal agency if the [~~person~~] individual holds a valid license to practice a regulated
49 occupation or profession issued by any other state or jurisdiction recognized by the division;

50 (b) a student engaged in activities constituting the practice of a regulated occupation or
51 profession while in training in a recognized school approved by the division to the extent the
52 activities are supervised by qualified faculty, staff, or designee and the activities are a defined
53 part of the training program;

54 (c) an individual engaged in an internship, residency, preceptorship, postceptorship,
55 fellowship, apprenticeship, or on-the-job training program approved by the division while
56 under the supervision of qualified [~~persons~~] individuals;

57 (d) an individual residing in another state and licensed to practice a regulated
58 occupation or profession in that state, who is called in for a consultation by an individual

59 licensed in this state, and the services provided are limited to that consultation;

60 (e) an individual who is invited by a recognized school, association, society, or other
61 body approved by the division to conduct a lecture, clinic, or demonstration of the practice of a
62 regulated occupation or profession if the individual does not establish a place of business or
63 regularly engage in the practice of the regulated occupation or profession in this state;

64 (f) an individual licensed under the laws of this state, other than under this title, to
65 practice or engage in an occupation or profession, while engaged in the lawful, professional,
66 and competent practice of that occupation or profession;

67 (g) an individual licensed in a health care profession in another state who performs that
68 profession while attending to the immediate needs of a patient for a reasonable period during
69 which the patient is being transported from outside of this state, into this state, or through this
70 state;

71 (h) an individual licensed in another state or country who is in this state temporarily to
72 attend to the needs of an athletic team or group, except that the practitioner may only attend to
73 the needs of the athletic team or group, including all individuals who travel with the team or
74 group in any capacity except as a spectator;

75 (i) an individual licensed and in good standing in another state, who is in this state:

76 (i) temporarily, under the invitation and control of a sponsoring entity;

77 (ii) for a reason associated with a special purpose event, based upon needs that may
78 exceed the ability of this state to address through its licensees, as determined by the division;
79 and

80 (iii) for a limited period of time not to exceed the duration of that event, together with
81 any necessary preparatory and conclusionary periods; and

82 [~~(j) an individual who:~~]

83 [~~(i) is certified as an athletic trainer by the National Athletic Trainers Association
84 Board of Certification or another entity approved by the division;~~]

85 [~~(ii) is employed or officially associated with an educational institution, a professional
86 sports organization, or a bona fide amateur sports organization; and]~~

87 [~~(iii) only provides athletic training services;~~]

88 [~~(A) to athletes of the educational institution or sports organization to which the
89 individual is employed or officially associated;~~]

90 ~~[(B) at an official athletic training, practice, or competition site; and]~~

91 ~~[(C) that are within the scope of the individual's certification; and]~~

92 ~~[(k)]~~ (j) a law enforcement officer, as defined under Section 53-13-103, who:

93 (i) is operating a voice stress analyzer in the course of the officer's full-time
94 employment with a federal, state, or local law enforcement agency;

95 (ii) has completed the manufacturer's training course and is certified by the
96 manufacturer to operate that voice stress analyzer; and

97 (iii) is operating the voice stress analyzer in accordance with Section 58-64-601,
98 regarding deception detection instruments.

99 (2) (a) A practitioner temporarily in this state who is exempted from licensure under
100 Subsection (1) shall comply with each requirement of the licensing jurisdiction from which the
101 practitioner derives authority to practice.

102 (b) Violation of ~~[any]~~ a limitation imposed by this section constitutes grounds for
103 removal of exempt status, denial of license, or other disciplinary proceedings.

104 (3) An individual who is licensed under a specific chapter of this title to practice or
105 engage in an occupation or profession may engage in the lawful, professional, and competent
106 practice of that occupation or profession without additional licensure under other chapters of
107 this title, except as otherwise provided by this title.

108 (4) Upon the declaration of a national, state, or local emergency, a public health
109 emergency as defined in Section 26-23b-102, or a declaration by the President of the United
110 States or other federal official requesting public health-related activities, the division in
111 collaboration with the board may:

112 (a) suspend the requirements for permanent or temporary licensure of ~~[persons]~~
113 individuals who are licensed in another state. ~~[Persons]~~ Individuals exempt under this
114 Subsection (4)(a) ~~[shall be]~~ are exempt from licensure for the duration of the emergency while
115 engaged in the scope of practice for which they are licensed in the other state;

116 (b) modify, under the circumstances described in this Subsection (4) and Subsection
117 (5), the scope of practice restrictions under this title for ~~[persons]~~ individuals who are licensed
118 under this title as:

119 (i) a physician under Chapter 67, Utah Medical Practice Act, or Chapter 68, Utah
120 Osteopathic Medical Practice Act;

121 (ii) a nurse under Chapter 31b, Nurse Practice Act, or Chapter 31c, Nurse Licensure
122 Compact;

123 (iii) a certified nurse midwife under Chapter 44a, Nurse Midwife Practice Act;

124 (iv) a pharmacist, pharmacy technician, or pharmacy intern under Chapter 17b,
125 Pharmacy Practice Act;

126 (v) a respiratory therapist under Chapter 57, Respiratory Care Practices Act; and

127 (vi) a dentist and dental hygienist under Chapter 69, Dentist and Dental Hygienist
128 Practice Act;

129 (c) suspend the requirements for licensure under this title and modify the scope of
130 practice in the circumstances described in this Subsection (4) and Subsection (5) for medical
131 services personnel or paramedics required to be certified under Section 26-8a-302;

132 (d) suspend requirements in Subsections 58-17b-620(3) through (6) which require
133 certain prescriptive procedures; and

134 (e) exempt or modify the requirement for licensure of [~~a person~~] an individual who is
135 activated as a member of a medical reserve corps during a time of emergency as provided in
136 Section 26A-1-126.

137 (5) [~~Persons~~] Individuals exempt under Subsection (4)(c) and [~~persons~~] individuals
138 operating under modified scope of practice provisions under Subsection (4)(b):

139 (a) [~~shall be~~] are exempt from licensure or subject to modified scope of practice for the
140 duration of the emergency;

141 (b) must be engaged in the distribution of medicines or medical devices in response to
142 the emergency or declaration; and

143 (c) must be employed by or volunteering for a local or state department of health.

144 Section 2. Section **58-40a-101** is enacted to read:

145 **CHAPTER 40a. ATHLETIC TRAINER LICENSING ACT**

146 **Part 1. General Provisions**

147 **58-40a-101. Title**

148 This chapter is known as the "Athletic Trainer Licensing Act."

149 Section 3. Section **58-40a-102** is enacted to read:

150 **58-40a-102. Definitions.**

151 In addition to the definitions in Section 58-1-102, as used in this chapter:

152 (1) "Adequate records" means legible records that contain, at a minimum:

153 (a) the athletic training service plan or protocol;

154 (b) an evaluation of objective findings;

155 (c) the plan of care and the treatment records; or

156 (d) written orders.

157 (2) "Athlete" means an individual, referee, coach, or athletic staff member who

158 participates in exercises, sports, or games requiring physical strength, agility, flexibility, range

159 of motion, speed, or stamina, and the exercises, sports, or games are of a type generally

160 conducted in association with an educational institution or professional, amateur, or

161 recreational sports club or organization.

162 (3) "Athletic injury" means:

163 (a) an injury sustained by an athlete that affects the individual's participation or

164 performance in sports, games, recreation, or exercise; or

165 (b) a condition that is within the scope of practice of an athletic trainer identified by a

166 directing physician ~~H~~→ or physical therapist ←~~H~~ as benefitting from athletic training services.

167 (4) "Athletic trainer" means an individual who is licensed under this chapter and

168 carries out the practice of athletic training.

169 (5) "Board" means the Athletic Trainers Licensing Board created in Section

170 58-40a-201.

171 (6) "Directing physician" means a physician and surgeon licensed under Section

172 58-67-301, an osteopathic physician and surgeon licensed under Section 58-68-301, a

173 chiropractic physician licensed under Chapter 73, Chiropractic Physician Practice Act, a

174 naturopathic physician licensed under Chapter 71, Naturopathic Physician Practice Act, or

175 dentist licensed under Section 58-69-301 who ~~H~~→ , **within the licensee's scope of practice and**

175a **individual competency, ←~~H~~** is responsible for the athletic training services

176 provided by the athletic trainer and oversees the practice of athletic training by the athletic

177 trainer, as established by board rule.

178 (7) The "practice of athletic training" means the application by a licensed and certified

179 athletic trainer of principles and methods of:

180 (a) prevention of athletic injuries;

181 (b) recognition, evaluation, and assessment of athletic injuries and conditions;

182 (c) immediate care of athletic injuries, including common emergency medical

183 situations;

184 (d) rehabilitation and reconditioning of athletic injuries;

185 (e) athletic training services administration and organization; and

186 (f) education of athletes.

187 Section 4. Section **58-40a-103** is enacted to read:

188 **58-40a-103. Duties of directing physician.**

189 ~~H→~~ [(1)] ←H A directing physician shall provide direction to an athletic trainer by a
189a verbal order

190 when in the presence of the athletic trainer and by written order or by athletic training service

191 plans or protocols when ~~H→~~ [the] a ←H directing physician is not present.

192 ~~H→~~ [(2) Upon referral from a physician licensed in another state and in good standing, the
193 practice of athletic training shall be carried out under the written orders of the referring
194 physician and in collaboration with the directing physician.] ←H

195 Section 5. Section **58-40a-201** is enacted to read:

196 **Part 2. Board**

197 **58-40a-201. Board composition -- Duties and responsibilities.**

198 (1) There is created the Athletic Trainers Licensing Board consisting of four licensed
199 athletic trainers, one member representative of the directing physicians referred to in
200 Subsection 58-40a-102(6), and one member of the general public who has never been
201 authorized to practice a healing art and never had a substantial personal, business, professional,
202 or pecuniary connection with a healing art or with a medical education or health care facility,
203 except as a client or potential client.

204 (2) The board shall be appointed and serve in accordance with Section 58-1-201.

205 (3) The board shall carry out the duties and responsibilities in Sections 58-1-202 and
206 58-1-203, and shall designate one of its members on a permanent or rotating basis to:

207 (a) assist the division in reviewing complaints concerning the unlawful or
208 unprofessional conduct of a licensee under this chapter; and

209 (b) advise the division of its investigation of these complaints.

210 (4) A board member who has, under Subsection (3), reviewed a complaint or advised
211 in its investigation may be disqualified from participating with the board when the board serves
212 as a presiding officer in an adjudicative proceeding concerning the complaint.

213 Section 6. Section **58-40a-301** is enacted to read:

214 **Part 3. Licensing**

215 **58-40a-301. Licensure required.**

216 (1) A license is required to engage in the practice of athletic training, except as
 217 specifically provided in Section 58-1-307 or 58-40a-305.

218 (2) The division shall issue to an individual who qualifies under this chapter a license
 219 in the classification of athletic trainer.

220 (3) An individual may not use the title "licensed athletic trainer," or "athletic trainer,"
 221 or abbreviations or insignias to imply that the individual is an athletic trainer unless the
 222 individual is licensed under this chapter.

223 Section 7. Section **58-40a-302** is enacted to read:

224 **58-40a-302. Qualifications for licensure.**

225 The division shall issue a license to practice as an athletic trainer to an applicant who:

226 (1) has obtained a bachelor's or advanced degree from an accredited four-year college
 227 or university and meets the minimum athletic training curriculum requirement established by
 228 the board by rule;

229 (2) has successfully completed the certification examination administered by the
 230 ~~House~~ **[National Athletic Trainers' Association]** ~~House~~ **Board of Certification** ~~House~~ **Inc.** ~~House~~ or
 230a equivalent examination

231 approved or recognized by the board;

232 (3) is in good standing with and provides documentation of current certification by the
 233 ~~House~~ **[National Athletic Trainers' Association]** ~~House~~ **Board of Certification** ~~House~~ **Inc.** ~~House~~ or a
 233a nationally recognized

234 credentialing agency approved by the board;

235 (4) submits an application to the division on a form prescribed by the division; and

236 (5) pays the required licensing fee as determined by the department under Section
 237 63-38-3.2.

238 Section 8. Section **58-40a-303** is enacted to read:

239 **58-40a-303. Scope of practice.**

240 An athletic trainer may:

241 (1) prevent injuries by:

242 (a) designing and implementing physical conditioning programs, which may include:

243 (i) strength and range of motion testing;

244 (ii) nutritional advisement; and

- 245 (iii) psychosocial intervention and referral;
- 246 (b) performing preparticipation screening;
- 247 (c) fitting protective equipment;
- 248 (d) designing and constructing protective products; and
- 249 (e) continuously monitoring changes in the environment;
- 250 (2) recognize and evaluate injuries by:
- 251 (a) obtaining a history of the injury;
- 252 (b) inspecting an injured body part and associated structures;
- 253 (c) palpating bony landmarks and soft tissue structures; and
- 254 (d) performing clinical tests to determine the extent of an injury;
- 255 (3) provide immediate care of injuries by:
- 256 (a) initiating cardiopulmonary resuscitation;
- 257 (b) administering basic or advanced first aid;
- 258 (c) removing athletic equipment; and
- 259 (d) immobilizing and transporting an injured athlete;
- 260 (4) determine whether an athlete may return to participation or, if the injury requires
- 261 further definitive care, refer the athlete to the appropriate directing physician;
- 262 (5) rehabilitate and recondition an injury by administering therapeutic exercise and
- 263 therapeutic and physical modalities, including cryotherapy, thermotherapy, and intermittent
- 264 compression, electrical stimulation, ultra sound, traction devices, or mechanical devices as
- 265 directed by established, written athletic training service plans or protocols or upon the order of
- 266 a directing physician;
- 267 (6) provide athletic training services administration, including:
- 268 (a) implementing athletic training service plans or protocols;
- 269 (b) writing organizational policies and procedures;
- 270 (c) complying with governmental and institutional standards; and
- 271 (d) maintaining records to document services rendered; and
- 272 (7) educate athletes to facilitate physical conditioning and reconditioning by designing
- 273 and implementing appropriate programs to minimize the risk of injury.

274 Section 9. Section **58-40a-304** is enacted to read:

275 **58-40a-304. Term of license -- Expiration -- Renewal.**

276 (1) (a) The division shall issue each license for an athletic trainer in accordance with a
277 two-year renewal cycle established by rule in accordance with Title 63, Chapter 46a, Utah
278 Administrative Rulemaking Act.

279 (b) The division may, by rule, extend or shorten a renewal period by as much as one
280 year to stagger the renewal cycles it administers.

281 (2) Each license automatically expires on the expiration date shown on the license
282 unless the licensee renews it in accordance with Section 58-1-308.

283 Section 10. Section **58-40a-305** is enacted to read:

284 **58-40a-305. Exemptions from licensure.**

285 In addition to the exemptions from licensure in Section 58-1-307, this chapter does not
286 require the licensure of ~~H~~→ a medical assistant as defined in Section 58-67-102 or
286a Section 58-68-102 or ←H an individual who assists in an emergency or in providing services for
287 which no fee is contemplated, charged, or received, provided the individual does not hold
288 himself out as an athletic trainer.

289 Section 11. Section **58-40a-401** is enacted to read:

290 **Part 4. License Denial and Discipline**

291 **58-40a-401. Grounds for denial of license.**

292 The division may refuse to issue a license to an applicant, refuse to renew the license of
293 a licensee, revoke, suspend, restrict, or place on probation the license of a licensee, issue a
294 public or private reprimand to a licensee, and issue cease and desist orders in accordance with
295 Section 58-1-401.

296 Section 12. Section **58-40a-501** is enacted to read:

297 **Part 5. Unprofessional Conduct**

298 **58-40a-501. Unprofessional conduct.**

299 In addition to the provisions of Subsection 58-1-501(2), "unprofessional conduct"
300 includes:

301 (1) failing to report to the board an act or omission of a licensee, applicant, or any other
302 individual which violates a provision of this chapter;

303 (2) interfering with an investigation of a disciplinary proceeding by willful
304 misrepresentation of facts or by use of threats or harassment against a client or witness to
305 prevent that individual from providing evidence in a disciplinary proceeding, investigation, or
306 other legal action;

- 307 (3) failing to maintain client confidentiality unless otherwise required by law;
308 (4) promoting an unnecessary device, treatment, intervention, or service for financial
309 gain by the athletic trainer or a third party; and
310 (5) failing to maintain adequate records.
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Legislative Review Note
as of 12-20-05 10:13 AM

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

Office of Legislative Research and General Counsel

State Impact

In the first year, the board will meet monthly to establish new professional regulations at a cost of \$5,200. Board costs in the second year will drop to \$1,300. There is also a \$7,000 one-time cost to develop a Utah Law/Rule exam that would be required for licensure in addition to completion of a national certification exam. The first year net impact of costs compared to revenues from licensing fees is negative \$1,700 to the Commerce Service Fund. However, this is based on a two-year renewal cycle. In the third year of operations, revenues go to \$12,900. Spending from the Commerce Service Fund could affect revenue available to the General Fund.

	<u>FY 2007</u> <u>Approp.</u>	<u>FY 2008</u> <u>Approp.</u>	<u>FY 2007</u> <u>Revenue</u>	<u>FY 2008</u> <u>Revenue</u>
Commerce Service Fund	\$12,200	\$1,300	\$10,500	\$3,500
TOTAL	\$12,200	\$1,300	\$10,500	\$3,500

Individual and Business Impact

Revenue estimates are based on 150 applicants the first year with a fee of \$70.
Afterward new applicants will number about 50 annually with renewal fees of \$47.

Office of the Legislative Fiscal Analyst